

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR  
C.P No.D-1238 of 2022

Date	Order with signature of Judge
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1. For orders on office objections
2. For hearing of main case.

**16.05.2024**

Mr. Badaruddin Memon, Advocate for the Petitioner  
Mr. Ali Raza Baloch, Assistant Advocate General  
Mr. Ashfaq Hussain Abro, Assistant Attorney General

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**Muhammad Iqbal Kalhoro, J:** Petitioner working in Health department, Government of Sindh, and retired on 14.04.2022, has filed this petition for release of pension along with other concomitant benefits. This petition has been contested by the Health Department by submitting that petitioner was appointed on 06.01.2007, he served in the department till 16.04.2009 for two years, three months and three days. From 17.04.2009 to 08.02.2012, he worked on deputation in Ministry of Inter Provincial Coordination at Islamabad. He joined Health department, Sindh on 18.02.2013, and worked till 17.02.2016. Thereafter, he remained absent from 18.02.2016 to 17.05.2021, then joined Health department on 18.05.2021 and retired on 14.04.2022. Learned AAG states that he remained absent in all for five years, three months and 16 days, hence he is not entitled to pensionary benefits and this calculation would show that petitioner has worked in Health department less than qualifying service of 10 years.

Today, learned Deputy Attorney General has filed a statement alongwith a brief of service of petitioner. It is stated there that petitioner was taken on deputation basis in the Federation on 18.02.2013, his deputation period expired on 17.02.2018 and he was ordered to be repatriated to his parent department along with many other deputationists. He and the others then filed a petition before learned Islamabad High Court and succeeded in getting a stay order which continued till April, 2021 as the petition filed by the petitioner

and others was dismissed on this date. Thereafter, again through a letter dated 15.04.2021, he was repatriated to report to his parent department vis. Health department, Sindh.

It is further stated by learned DAG that deputation period is only for three years as provided under Rule-20A of Civil Servants (Appointment Promotion and Transfer) Rules, 1973 and this period is extendable for two years more. Although petitioner has remained with the Federal department on deputation for eight (08) years but three years extra he gained due to stay order granted by learned Islamabad High Court. He further submits that in the said backdrop, a letter was written by Ministry of Inter Provincial Coordination to Account Officer Pension Section to AGPR to take necessary action in regard to determination of pensionary benefits to the petitioner as per rules. In response, AGPR (Pension Section) has written a letter stating that the debit on account of proportionate share of petitioner's pensionary charges for the period from 18.02.2013 to 28.04.2021 will be accepted and the debit of proportionate share may be raised at the time of petitioner's retirement through Accountant General, Sindh, which will be adjusted accordingly. It is further stated in para-6 of the statement filed by DAG that in view of such letter, the issue regarding pensionary benefits of the petitioner for the period viz. 18.02.2013 to 08.04.2021 now stands resolved.

When we take into account, history of service of petitioner as submitted by learned DAG, it would appear that entire period treated as absence of the petitioner by Health Department viz. 18.02.2013 to 08.04.2021 is duly accounted for. It is apparent that for such period, the petitioner worked on deputation with the Federal Department. The Focal Person of Health Department, Sindh present has submitted that for a Civil Servant to qualify for pension, ten (10) years' service is required under the law. He further submits that since the entire period of the petitioner has been accounted for, pension would be given to the petitioner by the Health Department but the

period, the petitioner served with the Federation would be contributed by the latter i.e. Federation. Learned DAG has submitted that Federal Government would contribute to petitioner's pension for such period but by making a decision over extra three years deputation of petitioner in accordance with law.

Petitioner and his Counsel, therefore, in light of above development are satisfied and seek disposal of petition in the above terms.

We are hopeful that AGPG Pension Section, at the time of making such a decision determining pensionary benefits of the petitioner from 18.02.2013 to 08.04.2021 will take into account the fact of stay order granted by learned Islamabad High Court in favour of the petitioner allowing him to continue with his deputation even after expiry of deputation period in terms of Rule-20A of Civil Servants (Appointment Promotion and Transfer) Rules, 1973.

Petition is accordingly disposed of.

JUDGE

JUDGE